



Serial No.: 10/621,272

3-606 JFW
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Potterat et al) Art Unit: 1654
Serial No.: 10/621,272) Examiner: S. Gudibande
Conf. No.: 3309)
Filed: July 17, 2003
For: Bicyclic Oligopeptides
Docket No.: 1/1368

Mail stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO ACKNOWLEDGE CLAIM OF
FOREIGN PRIORITY UNDER 37 CFR 1.55(a)(1)**

Sir:

Applicant hereby requests that a claim for foreign priority be acknowledged in the instant case. Applicant filed a certified copy of the foreign priority document EP 02015907.5 with a filing date of July 17, 2002 when it filed the instant application on July 17, 2003. It has now come to applicant's attention that although the foreign application document was submitted it was not listed on the Application Data sheet or cited in the specification of the instant application. Nonetheless, applicant believes that the priority claim has been properly made by virtue of the timely submission of the priority document since the requirements under 37 C.F.R. 1.55 (a) were timely satisfied: (1) identification of the foreign application for which priority is claimed (2) Application number (3) country (or intellectual property authority) (4) day, month and year of filing. Thus, in applicants view under 37 C.F.R. the requirements have been made and a petition surcharge un 37 CFR 1.117(t) should not be required.

In the event that it is the view of the USPTO that a proper claim to foreign priority has not been made, applicant hereby submits this paper for petition as provided in MPEP §201.14(a) and authorizes payment of the surcharge set forth in 37 CFR 1.17(t). Applicant hereby states that the entire delay between the date that the claim was due under 37 CFR 1.55(a)(1) and the date the claim is being filed in unintentional. This case has been allowed by the Examiner although the issue fee has not yet been paid and can be paid until **March 30, 2006**. Thus, it is not believed that a processing fee under 37 CFR 1.17(i) is necessary at this time, however if said fee is necessary or will otherwise facilitate this petition, authorization is hereby granted to pay said fee. Applicant is not

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aware of any interference with regard to this case. Likewise, the foreign priority date was not necessary in order to overcome any prior art reference during the prosecution of the application.

Applicant hereby authorizes that any fees due in connection not otherwise addressed herein to be charged to Deposit Account No. 02-2955.

Respectfully submitted,



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